

Senate Chamber, Atlanta, Georgia
Wednesday, January 31, 2007
Twelfth Legislative Day

The Senate met pursuant to adjournment at 9:30 a.m. today and was called to order by the President.

Senator Thomas of the 54th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House:

HB 96. By Representatives Mills of the 25th, Floyd of the 147th, Hill of the 21st and Knight of the 126th:

A BILL to be entitled an Act to amend Article 3 of Chapter 17 of Title 50 of the Official Code of Georgia Annotated, relating to state depositories, so as to provide for letters of credit issued by a Federal Home Loan Bank to be accepted to secure state funds on deposit in state depositories; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 132. By Representatives Stephens of the 164th, Keen of the 179th, Carter of the 159th and Bryant of the 160th:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 52 of the Official Code of Georgia Annotated, relating to pilots of vessels generally, so as to change certain provisions relating to the numbers of pilots for certain ports; to provide an effective date; to repeal conflicting laws; and for other purposes.

The House has adopted by the requisite constitutional majority the following Resolution of the Senate:

SR 126. By Senators Williams of the 19th, Johnson of the 1st and Brown of the 26th:

A RESOLUTION relative to adjournment; and for other purposes.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 84. By Senators Shafer of the 48th, Douglas of the 17th, Rogers of the 21st, Hudgens of the 47th, Moody of the 56th and others:

A BILL to be entitled an Act to amend Code Section 33-6-4 of the Official Code of Georgia Annotated, relating to enumeration of unfair methods of competition and unfair or deceptive acts or practices, so as to protect members of the armed forces of the United States from unscrupulous practices regarding the marketing and sale of insurance; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

SB 85. By Senators Schaefer of the 50th, Rogers of the 21st, Shafer of the 48th, Pearson of the 51st, Douglas of the 17th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to other educational programs, so as to provide that home school students and private school students may participate in extracurricular activities of public schools; to provide a short title; to provide a definition; to provide for conditions of participation; to provide for nondiscrimination against such students; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

SB 86. By Senators Thomas of the 54th, Whitehead, Sr. of the 24th, Stoner of the 6th, Murphy of the 27th, Weber of the 40th and others:

A BILL to be entitled an Act to amend Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to the use of safety belts in passenger vehicles, so as to eliminate certain exceptions to the required use of safety belts; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

- SB 87. By Senators Pearson of the 51st, Rogers of the 21st, Schaefer of the 50th, Goggans of the 7th and Whitehead, Sr. of the 24th:

A BILL to be entitled an Act to amend Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to the state highway system, so as to direct the Department of Transportation to seek approval from the Federal Highway Administration to incorporate the use of "RV friendly" markers on specific service signs for business establishments that cater to the needs of persons driving recreational vehicles; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Transportation Committee.

- SB 88. By Senators Unterman of the 45th, Seay of the 34th, Williams of the 19th, Schaefer of the 50th and Johnson of the 1st:

A BILL to be entitled an Act to amend Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to child custody proceedings, so as to provide for the creation, authorization, procedure, revocation, and termination of a power of attorney from a parent to a grandparent for the care of a grandchild; to provide for short titles; to provide definitions; to provide for the creation of a program to provide a subsidy to certain grandparents raising grandchildren under certain circumstances; to provide for an assessment and evaluation of certain aspects of the program; to provide for other related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

- SR 123. By Senators Hawkins of the 49th, Murphy of the 27th, Pearson of the 51st, Unterman of the 45th, Moody of the 56th and others:

A RESOLUTION to urge the United States Army Corps of Engineers to begin a study of the costs and effects of raising the full pool for Lake Lanier from 1,071 feet above sea level to 1,073 feet above sea level; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

- SR 124. By Senators Schaefer of the 50th, Rogers of the 21st, Douglas of the 17th, Chapman of the 3rd, Hill of the 32nd and others:

A RESOLUTION urging the United States Congress to withdraw the United States from the Security and Prosperity Partnership of North America and from any other bilateral or multilateral activity that seeks the economic merger of the United States with any other country; and for other purposes.

Referred to the Rules Committee.

- SR 125. By Senators Carter of the 13th, Harp of the 29th, Chance of the 16th, Heath of the 31st, Hamrick of the 30th and others:

A RESOLUTION proposing an amendment to the Constitution of Georgia so as to protect lottery funds so that they may be reserved only for the HOPE Scholarship Program and other tuition grants, scholarships, or loans to enable citizens of this state to attend colleges and universities within this state, for voluntary pre-kindergarten, and for educational shortfall reserves; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Higher Education Committee.

The following House legislation was read the first time and referred to committee:

- HB 96. By Representatives Mills of the 25th, Floyd of the 147th, Hill of the 21st and Knight of the 126th:

A BILL to be entitled an Act to amend Article 3 of Chapter 17 of Title 50 of the Official Code of Georgia Annotated, relating to state depositories, so as to provide for letters of credit issued by a Federal Home Loan Bank to be accepted to secure state funds on deposit in state depositories; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Banking and Financial Institutions Committee.

- HB 132. By Representatives Stephens of the 164th, Keen of the 179th, Carter of the 159th and Bryant of the 160th:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 52 of the Official Code of Georgia Annotated, relating to pilots of vessels generally, so

as to change certain provisions relating to the numbers of pilots for certain ports; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Economic Development Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Education and Youth Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 39	Do Pass by substitute
SB 68	Do Pass

Respectfully submitted,
Senator Weber of the 40th District, Chairman

Mr. President:

The Health and Human Services Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 45	Do Pass by substitute	SR 30	Do Pass by substitute
SB 57	Do Pass	SR 66	Do Pass
SR 22	Do Pass by substitute		

Respectfully submitted,
Senator Thomas of the 54th District, Chairman

Mr. President:

The Public Safety and Homeland Security Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 44	Do Pass as amended
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Respectfully submitted,
Senator Whitehead of the 24th District, Chairman

Mr. President:

The State Institutions and Property Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SR 68 Do Pass

Respectfully submitted,
Senator Grant of the 25th District, Chairman

The following legislation was read the second time:

SR 21

Senator Tarver of the 22nd asked unanimous consent that Senator Tate of the 38th be excused. The consent was granted, and Senator Tate was excused.

Senator Hooks of the 14th asked unanimous consent that Senator Harbison of the 15th be excused. The consent was granted, and Senator Harbison was excused.

Senator Henson of the 41st asked unanimous consent that Senator Ramsey of the 43rd be excused. The consent was granted, and Senator Ramsey was excused.

Senator Reed of the 35th asked unanimous consent that Senator Thompson of the 33rd be excused. The consent was granted, and Senator Thompson was excused.

The roll was called and the following Senators answered to their names:

Adelman	Henson	Schaefer
Balfour	Hill,Jack	Seabaugh
Brown	Hill,Judson	Seay
Bulloch	Hooks	Shafer,D
Butler	Hudgens	Smith
Carter	Johnson	Staton
Chapman	Jones	Stoner
Cowsert	Me V Bremen	Tarver
Davenport	Moody	Thomas,D
Douglas	Mullis	Thomas,R
Goggans	Murphy	Thompson,C
Golden	Orrock	Tolleson

Hamrick	Pearson	Unterman
Harp	Powell	Weber
Hawkins	Reed	Whitehead
Heath	Rogers	Wiles

Not answering were Senators:

Chance	Fort	Grant
Harbison (Excused)	Ramsey (Excused)	Tate (Excused)
Thompson, S (Excused)	Williams	

Senator Fort was off the floor of the Senate when the roll was called and wished to be recorded as present.

Senator Hill of the 4th introduced the chaplain of the day, Dr. Michael Guido of Metter, Georgia, commended by SR 106, adopted previously. Dr. Michael Guido offered scripture reading and prayer.

The members pledged allegiance to the flag.

Senator Pearson of the 51st spoke to SR 121, commending the tourism industry in Georgia.

Senator Seay of the 34th introduced Donald Eugene "D.J." Shockley, Jr., commended by SR 70, adopted previously. D.J. Shockley addressed the Senate briefly.

The following resolutions were read and adopted:

SR 127. By Senators Thomas of the 2nd, Goggans of the 7th, Staton of the 18th, Johnson of the 1st, Williams of the 19th and others:

A RESOLUTION urging counties and municipalities in Georgia to take proactive measures towards reducing underage drinking; and for other purposes.

SR 128. By Senator Unterman of the 45th:

A RESOLUTION commending and congratulating the 2006 Mill Creek Hawks 7-8 year-old National Pee Wee All-Star baseball team; and for other purposes.

SR 129. By Senator Pearson of the 51st:

A RESOLUTION recognizing Southern Catholic College and proclaiming February 18th as Southern Catholic College Day in the State of Georgia; and for other purposes.

SENATE RULES CALENDAR
WEDNESDAY, JANUARY 31, 2007
TWELFTH LEGISLATIVE DAY

SB 10 Georgia Special Needs Scholarship Act; provide public school students with disabilities to attend eligible private schools (Substitute)(ED&Y-1st)

Respectfully submitted,

/s/ Hamrick of the 30th, Vice-Chairman
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

SB 10. By Senators Johnson of the 1st, Rogers of the 21st, Weber of the 40th, Schaefer of the 50th, Hill of the 32nd and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to enact the "Georgia Special Needs Scholarship Act"; to provide for a short title; to define certain terms; to provide for scholarships for public school students with disabilities to attend eligible private schools; to provide for qualifications and criteria for the scholarship program; to establish certain requirements for private schools that participate in the scholarship program; to provide for the amount of scholarship and method of payments; to authorize the State Board of Education to promulgate certain rules; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The Senate Education and Youth Committee offered the following substitute to SB 10:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to enact the "Georgia Special Needs Scholarship Act"; to provide for a short title; to define certain terms; to provide for

scholarships for public school students with disabilities to attend other public or private schools; to provide for qualifications and criteria for the scholarship program; to establish certain requirements for schools that participate in the scholarship program; to provide for the amount of scholarship and method of payments; to authorize the State Board of Education to promulgate certain rules; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by adding at the end thereof a new article, to be designated as Article 33, to read as follows:

"ARTICLE 33

20-2-2110.

This article shall be known and may be cited as the 'Georgia Special Needs Scholarship Act.'

20-2-2111.

The General Assembly finds that:

- (1) Students with disabilities have special needs that merit educational alternatives which will allow students to learn in an appropriate setting and manner;
- (2) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their children;
- (3) Children, parents, and families are the primary beneficiaries of the scholarship program authorized in this article and any benefit to private schools, sectarian or otherwise, is purely incidental;
- (4) The scholarship program established in this article is for the valid secular purpose of tailoring a student's education to that student's specific needs and enabling families to make genuine and independent private choices to direct their resources to appropriate schools; and
- (5) Nothing in this article shall be construed as a basis for granting vouchers or tuition tax credits for any other students, with or without disabilities.

20-2-2112.

As used in this article, the term:

- (1) 'Board' means the State Board of Education.
- (2) 'Department' means the Department of Education.
- (3) 'Parent' means a biological parent, legal guardian, custodian, or other person with legal authority to act on behalf of a child.
- (4) 'Participating school' means a public school outside of the student's resident

school system, any private school, or a state school for the deaf and blind operated by the State Board of Education that provides education to elementary or secondary students, that has notified the department of its intention to participate in the program, and that complies with the department's requirements.

(5) 'Prior school year in attendance' means that the student was enrolled and reported by a public school system or school systems for funding purposes during the preceding October and March full-time equivalent (FTE) program counts in accordance with Code Section 20-2-160.

(6) 'Private school' means any nonpublic school that provides education to elementary or secondary students.

(7) 'Program' means the scholarship program established pursuant to this article.

(8) 'Resident school system' means the public school system in which the student would be enrolled based on his or her residence.

(9) 'Scholarship' means a Georgia Special Needs Scholarship awarded pursuant to this article.

(10) 'Scholarship student' means a student who receives a scholarship pursuant to this article.

20-2-2113.

(a) Any parent of a public school student with a disability may request and receive from the department a scholarship for the child to enroll in and attend a participating school in accordance with this article.

(b) To qualify for a scholarship:

(1) The student's parent shall reside within Georgia;

(2) The student shall have one or more of the following disabilities:

(A) Autism;

(B) Deaf/blind;

(C) Deaf/hard of hearing;

(D) Emotional and behavioral disorder;

(E) Intellectual disability;

(F) Orthopedic impairment;

(G) Other health impairment;

(H) Specific learning disability;

(I) Speech-language impairment;

(J) Traumatic brain injury; or

(K) Visual impairment;

(3) The student shall have spent the prior school year in attendance at a Georgia public school and shall have had an Individualized Education Program (IEP) written by the school in accordance with federal and state laws and regulations;

(4) The parent shall have obtained acceptance for admission of the student to a participating school; and

(5) The parent shall have submitted an application for a scholarship to the student's resident school system no later than the deadline established by the department.

- (c) Upon acceptance of the scholarship, the parent assumes full financial responsibility for the education of the scholarship student, including transportation to and from the participating school.
- (d) For a student who participates in the program whose parents request that the student take the state-wide assessments pursuant to Code Section 20-2-281, the resident school system shall make available to the student locations and times to take all state-wide assessments.
- (e) Students enrolled in a school operated by the Department of Juvenile Justice are not eligible for the scholarship.
- (f) The scholarship shall remain in force until the student returns to his or her public school in the resident school system, graduates from high school, or reaches the age of 21. However, at any time, the student's parent may remove the student from the participating school and place the student in another participating school.
- (g) Acceptance of a scholarship shall have the same effect as a parental refusal to consent to services pursuant to the Individuals with Disabilities Education Act, 20 U.S.C.A. Section 1400, et seq.
- (h) The creation of the program or the granting of a scholarship pursuant to this article shall not be construed to imply that a public school did not provide a free and appropriate public education for a student or constitute a waiver or admission by the state.

20-2-2114.

- (a) To be eligible to enroll a scholarship student, a participating school shall:
 - (1) Have a physical location where the scholarship students attend classes and have direct contact with the school's teachers;
 - (2) Demonstrate fiscal soundness by submitting a financial information report for the school that complies with uniform financial accounting standards established by the department and conducted by a certified public accountant. The report must confirm that the school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming school year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. The report shall be limited in scope to those records that are necessary for the department to make a determination on fiscal soundness and to make payments to schools for scholarships;
 - (3) Comply with the antidiscrimination provisions of 42 U.S.C. Section 2000d;
 - (4) Comply with all health and safety laws or codes that apply to private or public schools, as applicable;
 - (5) Comply with all provisions of Code Section 20-2-690 and any other state law applicable to private schools or any state laws applicable to public schools;
 - (6) Regularly report to the parent and the department on the student's progress, including, but not limited to, the results of any annual assessment given to the student, in accordance with department guidelines; and
 - (7) Annually provide to the parents the relevant credentials of the teachers who will

be teaching their students.

(b) A home school operating under the provisions of Code Section 20-2-690 shall not be eligible to enroll scholarship students.

(c) Residential treatment facilities licensed or approved by the state shall not be eligible to enroll scholarship students.

(d) The creation of the program shall not be construed to expand the regulatory authority of the state, its officers, or any public school system to impose any additional regulation of nonpublic schools beyond those reasonably necessary to enforce the requirements of this article.

(e) A participating school intending to enroll scholarship students shall submit an application to the department by June 30 of the school year preceding the school year in which it intends to enroll scholarship students. The notice shall specify the grade levels and services that the school has available for students with disabilities who are participating in the scholarship program. A school intending to enroll scholarship students in the 2007-2008 school year shall submit an application no later than June 30, 2007.

(f) The board shall approve a participating school's application to enroll scholarship students if the school meets the eligibility requirements of this article and complies with board rules established pursuant to Code Section 20-2-2116. The board shall make available to local school systems and the public a list of participating schools.

20-2-2115.

(a) The maximum scholarship granted a scholarship student pursuant to this article shall be an amount equivalent to the costs of the educational program that would have been provided for the student in the resident school system as calculated under Code Section 20-2-161.

(b) The amount of the scholarship shall be the lesser of the amount calculated in subsection (a) or the amount of the participating school's tuition and fees, if applicable. The amount of any assessment fee required by the participating school may be paid from the total amount of the scholarship.

(c) Scholarship students shall be counted in the enrollment of their resident school system; provided, however, that this count shall only be for purposes of determining the amount of the scholarship and the scholarship students shall not be included as enrolled for purposes of state or federal accountability requirements, including, but not limited to, the federal Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001 (P.L. 107-110). The funds needed to provide a scholarship shall be subtracted from the allotment payable to the resident school system.

(d) Each local school system shall report on July 1, September 1, December 1, and February 1 of each year to the department the number of scholarship students in the resident school system. Following each notification, the department shall transfer from the state allotment to each school system the amount calculated under Code Section 20-2-161 to a separate account for the scholarship program for quarterly disbursement to the parents of scholarship students. When a student enters the program, the department

must receive all documentation required for the student's participation, including the participating school's and student's fee schedules at least 30 days before the first quarterly scholarship payment is made for the student. The department may not make any retroactive payments.

(e) Upon proper documentation received by the department, the department shall make scholarship payments to the parents of scholarship students in four equal amounts on dates established by the department during each academic year in which the scholarship is in force. The initial payment shall be made upon evidence of admission to the participating school, and subsequent payments shall be made on evidence of continued enrollment and attendance at the participating school.

(f) Payment to the parents must be made by individual warrant made payable to the student's parent and mailed by the department to the participating school of the parent's choice, and the parent shall restrictively endorse the warrant to the participating school for deposit into the account of such school.

(g) A person, on behalf of a participating school, may not accept a power of attorney from a parent to sign a warrant, and a parent of a scholarship student may not give a power of attorney designating a person, on behalf of a participating school, as the parent's attorney in fact.

(h) If the participating school requires partial payment of tuition prior to the start of the academic year to reserve space for students admitted to the school, that partial payment may be paid by the department prior to the first quarterly payment of the year in which the scholarship is awarded, up to a maximum of \$1,000.00, and deducted from subsequent scholarship payments. If a student decides not to attend the participating school, the partial reservation payment must be returned to the department by such school. Only one reservation payment per student may be made per year.

20-2-2116.

(a) The board shall adopt rules to administer the program regarding eligibility and participation of participating schools, including, but not limited to, timelines that will maximize student and public and private school participation, the calculation and distribution of scholarships to eligible students and participating schools, and the application and approval procedures for eligible students and participating schools.

(b) No liability shall arise on the part of the department or the state based on the award or use of a scholarship awarded pursuant to this article.

(c) The department may bar a school from participation in the program if the department determines that the school has intentionally and substantially misrepresented information or failed to refund to the state any scholarship overpayments in a timely manner."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to the 2007-2008 school year and all school years subsequent thereto.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.
 Senator Johnson of the 1st offered the following amendment #1:

Amend the Senate Education and Youth Committee substitute to SB 10 (LC 33 1719S) by striking lines 25 and 26 of page 4 and inserting in lieu thereof the following:

(5) For private schools, comply with all provisions of Code Section 20-2-690 and any other state law applicable to private schools;

On the adoption of the amendment, the yeas were 44, nays 1, and the Johnson amendment #1 was adopted.

Senators Brown of the 26th, Tate of the 38th and Fort of the 39th offered the following amendment #2:

Amend the Senate Education and Youth Committee substitute to SB 10 (LC 33 1719S) by striking lines 16 through 19 of page 5 and inserting in lieu thereof the following:

(a) The maximum scholarship granted a scholarship student pursuant to this article shall be the greater of \$17,000.00 or twice the cost of the educational program that would have been provided for the student in the resident school system as calculated under Code Section 20-2-161.

Senators Tate of the 38th and Brown of the 26th offered the following amendment #2a:

Amend amendment #2 (AM 33 0515) to the committee substitute to SB10 by inserting on line 5 after the words "the greater of" the following: up to (so it will read the greater of up to etc.)

On the adoption of the amendment, the yeas were 20, nays 32, and the Tate, Brown amendment #2a was lost.

Senator Johnson of the 1st asked unanimous consent that Senator Tolleson of the 20th be excused. The consent was granted, and Senator Tolleson was excused.

On the adoption of the amendment, Senator Thomas of the 2nd called for the yeas and nays; the call was sustained, and the vote was as follows:

Y Adelman	N Heath	N Seabaugh
N Balfour	Y Henson	Y Seay
Y Brown	N Hill,Jack	N Shafer,D
N Bulloch	N Hill,Judson	N Smith
Y Butler	Y Hooks	N Staton
N Carter	N Hudgens	Y Stoner

N Chance	N Johnson	Y Tarver
N Chapman	Y Jones	Y Tate
N Cowsert	Y Me V Bremen	N Thomas,D
Y Davenport	N Moody	Y Thomas,R
N Douglas	N Mullis	Y Thompson,C
Y Fort	N Murphy	Y Thompson,S
N Goggans	Y Orrock	Tolleson
Y Golden	N Pearson	N Unterman
N Grant	Y Powell	N Weber
N Hamrick	Y Ramsey	N Whitehead
E Harbison	Y Reed	N Wiles
N Harp	N Rogers	N Williams
N Hawkins	N Schaefer	

On the adoption of the amendment, the yeas were 21, nays 33, and the Brown et al. amendment #2 was lost.

Senators Brown of the 26th, Thomas of the 2nd, Jones of the 10th and Fort of the 39th offered the following amendment #3:

Amend the Senate Education and Youth Committee substitute to SB 10 (LC 33 1719S) by striking lines 26 through 28 of page 3 and inserting in lieu thereof the following:

(c) Upon acceptance of the scholarship, the parent assumes full financial responsibility for the education of the scholarship student; provided, however, that the resident school system shall provide transportation to and from the participating school.

On the adoption of the amendment, Senator Thomas of the 2nd called for the yeas and nays; the call was sustained, and the vote was as follows:

Y Adelman	N Heath	N Seabaugh
N Balfour	Y Henson	Y Seay
Y Brown	N Hill,Jack	N Shafer,D
N Bulloch	N Hill,Judson	N Smith
Y Butler	Y Hooks	N Staton
N Carter	N Hudgens	Y Stoner
N Chance	N Johnson	Y Tarver
N Chapman	Y Jones	Y Tate
N Cowsert	Y Me V Bremen	N Thomas,D
Y Davenport	N Moody	Y Thomas,R
N Douglas	N Mullis	Y Thompson,C
Y Fort	N Murphy	Y Thompson,S
N Goggans	Y Orrock	E Tolleson

Y Golden	N Pearson	N Unterman
N Grant	Y Powell	N Weber
N Hamrick	Y Ramsey	N Whitehead
E Harbison	Y Reed	N Wiles
N Harp	N Rogers	N Williams
N Hawkins	N Schaefer	

On the adoption of the amendment, the yeas were 21, nays 33, and the Brown et al. amendment #3 was lost.

Senators Brown of the 26th, Jones of the 10th and Fort of the 39th offered the following amendment #4:

Amend the Senate Education and Youth Committee substitute to SB 10 (LC 33 1719S) by striking lines 24 through 30 of page 5 and inserting in lieu thereof the following:

(c) Scholarship students shall be counted in the enrollment of their resident school system. The count shall be for purposes of determining the amount of the scholarship for the scholarship student; provided, however, that the funds needed to provide a scholarship shall not be subtracted from the allotment payable to the resident school system, and the resident school system shall receive such funds in their allotment. The state shall provide funds in such amount for the scholarship student over and above those funds that will remain in the resident school system's allotment. The scholarship students shall not be included as enrolled for purposes of state or federal accountability requirements, including, but not limited to, the federal Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001 (P.L. 107-110).

On the adoption of the amendment, Senator Jones of the 10th called for the yeas and nays; the call was sustained, and the vote was as follows:

Y Adelman	N Heath	N Seabaugh
N Balfour	Y Henson	Y Seay
Y Brown	N Hill,Jack	N Shafer,D
N Bulloch	N Hill,Judson	N Smith
Y Butler	Y Hooks	N Staton
N Carter	N Hudgens	Y Stoner
N Chance	N Johnson	Y Tarver
N Chapman	Y Jones	Y Tate
N Cowsert	Y Me V Bremen	N Thomas,D
Y Davenport	N Moody	Y Thomas,R
N Douglas	N Mullis	Y Thompson,C
Y Fort	N Murphy	Y Thompson,S
N Goggans	Y Orrock	E Tolleson
Y Golden	N Pearson	N Unterman

N Grant	Y Powell	N Weber
N Hamrick	Y Ramsey	N Whitehead
E Harbison	Y Reed	N Wiles
N Harp	N Rogers	N Williams
N Hawkins	N Schaefer	

On the adoption of the amendment, the yeas were 21, nays 33, and the Brown et al. amendment #4 was lost.

Senator Thompson of the 33rd offered the following amendment #5:

Amend the committee substitute to SB10 by inserting on page (2) on line 11 before the word, Nothing the sentence; The Georgia General Assembly finds that the need for this innovative program existS solely and only within the area of special needs children.

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

Y Adelman	N Heath	N Seabaugh
N Balfour	Y Henson	Y Seay
Y Brown	N Hill,Jack	N Shafer,D
N Bulloch	N Hill,Judson	N Smith
Y Butler	Y Hooks	N Staton
N Carter	N Hudgens	Y Stoner
N Chance	N Johnson	Y Tarver
N Chapman	Y Jones	Y Tate
N Cowsert	Y Me V Bremen	N Thomas,D
Y Davenport	N Moody	Y Thomas,R
N Douglas	N Mullis	Y Thompson,C
Fort	N Murphy	Y Thompson,S
N Goggans	Y Orrock	E Tolleson
Y Golden	N Pearson	N Unterman
N Grant	Y Powell	N Weber
N Hamrick	Y Ramsey	N Whitehead
E Harbison	Y Reed	N Wiles
N Harp	N Rogers	N Williams
N Hawkins	N Schaefer	

On the adoption of the amendment, the yeas were 20, nays 33, and the Thompson of the 33rd amendment #5 was lost.

Senators Davenport of the 44th and Jones of the 10th offered the following amendment #6:

Amend the committee substitute to SB10 (LC 33 1719S) by inserting on page (3), line 4 a new sentence, "Provided, however, such request shall be granted only in school systems that participate in the program in this Act cited as the "Georgia Special Needs Scholarship Act".

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

Y Adelman	N Heath	N Seabaugh
N Balfour	Y Henson	Y Seay
Y Brown	N Hill,Jack	N Shafer,D
N Bulloch	N Hill,Judson	N Smith
Y Butler	Y Hooks	N Staton
N Carter	N Hudgens	Y Stoner
N Chance	N Johnson	Y Tarver
N Chapman	Y Jones	Y Tate
N Cowsert	Y Me V Bremen	N Thomas,D
Y Davenport	N Moody	Y Thomas,R
N Douglas	N Mullis	Y Thompson,C
Y Fort	N Murphy	Y Thompson,S
N Goggans	Y Orrock	E Tolleson
Y Golden	N Pearson	N Unterman
N Grant	Y Powell	N Weber
N Hamrick	Y Ramsey	N Whitehead
E Harbison	Y Reed	N Wiles
N Harp	N Rogers	N Williams
N Hawkins	N Schaefer	

On the adoption of the amendment, the yeas were 21, nays 33, and the Davenport, Jones amendment #6 was lost.

On the adoption of the substitute, the yeas were 36, nays 4, and the committee substitute was adopted as amended.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

N Adelman	Y Heath	Y Seabaugh
Y Balfour	N Henson	N Seay
N Brown	N Hill,Jack	Y Shafer,D
N Bulloch	Y Hill,Judson	Y Smith

N Butler	N Hooks	Y Staton
Y Carter	Y Hudgens	N Stoner
Y Chance	Y Johnson	N Tarver
Y Chapman	N Jones	N Tate
Y Cowsert	N Me V Bremen	Y Thomas,D
N Davenport	Y Moody	N Thomas,R
Y Douglas	Y Mullis	N Thompson,C
N Fort	Y Murphy	N Thompson,S
Y Goggans	N Orrock	E Tolleson
N Golden	Y Pearson	Y Unterman
Y Grant	N Powell	Y Weber
Y Hamrick	N Ramsey	Y Whitehead
E Harbison	N Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 31, nays 23.

SB 10, having received the requisite constitutional majority, was passed by substitute.

The following communications were received by the Secretary:

LEGISLATIVE SERVICES COMMITTEE

OFFICE OF LEGISLATIVE COUNSEL

316 STATE CAPITOL
ATLANTA, GA 30334
(404) 656-5000

CERTIFICATION OF CAUCUS ELECTION

Pursuant to the call for a caucus under the provisions of O.C.G.A. Section 32-2-20, a caucus was held on January 11, 2007, in the Senate Chamber of the State Capitol Building. At that caucus, Honorable Billy Langdale was elected as a member of the State Transportation Board from the Second Congressional District to serve a term expiring April 15, 2008.

Respectfully submitted,

/s/ Bob Hanner
Representative, District 148
Chairman

/s/ Calvin Smyre
Representative, District 132
Secretary

LEGISLATIVE SERVICES COMMITTEE

OFFICE OF LEGISLATIVE COUNSEL
316 STATE CAPITOL
ATLANTA, GA 30334
(404) 656-5000

TO: HONORABLE KAREN HANDEL
SECRETARY OF STATE

This is to certify that Honorable Billy Langdale has been elected, pursuant to the provisions of O.C.G.A. Section 32-2-20, as a member of the State Transportation Board from the Second Congressional District for a term expiring April 15, 2008.

This 25th day of January, 2007.

/s/ Casey Cagle
Lieutenant Governor

/s/ Glenn Richardson
Speaker, House of Representatives

LEGISLATIVE SERVICES COMMITTEE

OFFICE OF LEGISLATIVE COUNSEL
316 STATE CAPITOL
ATLANTA, GA 30334
(404) 656-5000

CERTIFICATION OF CAUCUS ELECTION

Pursuant to the call for a caucus under the provisions of O.C.G.A. Section 32-2-20, a caucus was held on January 11, 2007, in the Senate Chamber of the State Capitol Building. At that caucus, Honorable Sam Wellborn was elected as a member of the State Transportation Board from the Third Congressional District to serve a term expiring April 15, 2012.

Respectfully submitted,

/s/ Bill Hamrick
Senator, District 30
Chairman

/s/ Seth Harp
Senator, District 29
Secretary

LEGISLATIVE SERVICES COMMITTEE

OFFICE OF LEGISLATIVE COUNSEL
316 STATE CAPITOL
ATLANTA, GA 30334
(404) 656-5000

TO: HONORABLE KAREN HANDEL
SECRETARY OF STATE

This is to certify that Honorable Sam Wellborn has been elected, pursuant to the provisions of O.C.G.A. Section 32-2-20, as a member of the State Transportation Board from the Third Congressional District for a term expiring April 15, 2012.

This 25th day of January, 2007.

/s/ Casey Cagle
Lieutenant Governor

/s/ Glenn Richardson
Speaker, House of Representatives

LEGISLATIVE SERVICES COMMITTEE

OFFICE OF LEGISLATIVE COUNSEL
316 STATE CAPITOL
ATLANTA, GA 30334
(404) 656-5000

CERTIFICATION OF CAUCUS ELECTION

Pursuant to the call for a caucus under the provisions of O.C.G.A. Section 32-2-20, a caucus was held on January 11, 2007, in the Senate Chamber of the State Capitol

Building. At that caucus, Honorable Garland Pinholster was elected as a member of the State Transportation Board from the Sixth Congressional District to serve a term expiring April 15, 2009.

Respectfully submitted,

/s/ Wendell Willard
Representative, District 49
Chairman

/s/ Jill Chambers
Representative, District 81
Secretary

LEGISLATIVE SERVICES COMMITTEE

OFFICE OF LEGISLATIVE COUNSEL
316 STATE CAPITOL
ATLANTA, GA 30334
(404) 656-5000

TO: HONORABLE KAREN HANDEL
SECRETARY OF STATE

This is to certify that Honorable Garland Pinholster has been elected, pursuant to the provisions of O.C.G.A. Section 32-2-20, as a member of the State Transportation Board from the Sixth Congressional District for a term expiring April 15, 2009.

This 25th day of January, 2007.

/s/ Casey Cagle
Lieutenant Governor

/s/ Glenn Richardson
Speaker, House of Representatives

LEGISLATIVE SERVICES COMMITTEE

OFFICE OF LEGISLATIVE COUNSEL
316 STATE CAPITOL
ATLANTA, GA 30334
(404) 656-5000

CERTIFICATION OF CAUCUS ELECTION

Pursuant to the call for a caucus under the provisions of O.C.G.A. Section 32-2-20, a caucus was held on January 11, 2007, in the Senate Chamber of the State Capitol Building. At that caucus, Honorable Rudy Bowen was elected as a member of the State Transportation Board from the Seventh Congressional District to serve a term expiring April 15, 2010.

Respectfully submitted,

/s/ David Shafer
Senator, District 48
Chairman

/s/ David Casas
Representative, District 103
Secretary

LEGISLATIVE SERVICES COMMITTEE

OFFICE OF LEGISLATIVE COUNSEL
316 STATE CAPITOL
ATLANTA, GA 30334
(404) 656-5000

TO: HONORABLE KAREN HANDEL
SECRETARY OF STATE

This is to certify that Honorable Rudy Bowen has been elected, pursuant to the provisions of O.C.G.A. Section 32-2-20, as a member of the State Transportation Board from the Seventh Congressional District for a term expiring April 15, 2010.

This 25th day of January, 2007.

/s/ Casey Cagle
Lieutenant Governor

/s/ Glenn Richardson
Speaker, House of Representatives

LEGISLATIVE SERVICES COMMITTEE

OFFICE OF LEGISLATIVE COUNSEL
316 STATE CAPITOL
ATLANTA, GA 30334
(404) 656-5000

CERTIFICATION OF CAUCUS ELECTION

Pursuant to the call for a caucus under the provisions of O.C.G.A. Section 32-2-20, a caucus was held on January 11, 2007, in the Senate Chamber of the State Capitol Building. At that caucus, Honorable Larry Walker was elected as a member of the State Transportation Board from the Eighth Congressional District to serve a term expiring April 15, 2012.

Respectfully submitted,

/s/ Jay Roberts
Representative, District 154
Chairman

/s/ Joseph Carter
Senator, District 13
Secretary

LEGISLATIVE SERVICES COMMITTEE

OFFICE OF LEGISLATIVE COUNSEL
316 STATE CAPITOL
ATLANTA, GA 30334
(404) 656-5000

TO: HONORABLE KAREN HANDEL
SECRETARY OF STATE

This is to certify that Honorable Larry Walker has been elected, pursuant to the provisions of O.C.G.A. Section 32-2-20, as a member of the State Transportation Board from the Eighth Congressional District for a term expiring April 15, 2012.

This 25th day of January, 2007.

/s/ Casey Cagle
Lieutenant Governor

/s/ Glenn Richardson
Speaker, House of Representatives

Serving as doctor of the day was Dr. Ephraim Bassey.

Senator Williams of the 19th moved that the Senate adjourn until 10:00 a.m. Thursday, February 1, 2007.

The motion prevailed, and the President announced the Senate adjourned at 1:23 p.m.